

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

1. The petitioner applied for a child care subsidy for her four children on July 9, 2009. At that time she was enrolled in an out-of-state training program and her husband was working. Based on their reported income the Department notified her that although the family meets the income criteria to qualify for a subsidy, they do not have a defined "service need" because the petitioner holds a college BA degree. The Department also informed the petitioner that due

to budget constraints it is no longer granting "variances" to its regulations to any applicants in the petitioner's circumstances.

2. A telephone hearing was held on September 10, 2009 with the petitioner's husband. He reported that he had since been laid off from his job, and that the family income was now even lower than what they had reported in July (although it appears the husband may now be more able to provide child care). At any rate, he did not dispute that his wife has a B.A. degree, but he maintained (credibly) that she has not been able to find work in her field (finance), and is being trained as a mid-wife.

ORDER

The decision of the Department is affirmed.

REASONS

The regulations adopted by the Child Care Services Division base eligibility for and amounts of child care subsidies on gross family income and "service need". Section II.B.1 of the regulations provides that the service need requirement applies to both caretaker parents in a two-parent household. Section II.B.1.e provides: "Volunteer work and

post-bachelor education are not eligible activities”  
qualifying for a service need.

Inasmuch as the demand for day care subsidies far exceeds the resources available to the program, the Department has determined that it can no longer grant the petitioner, or anyone else in her circumstances, a “variance” from its regulations regarding post-bachelor training. Unfortunately, given current budget constraints, any liberalization of the Department’s policies regarding service needs and variances appears unlikely in the immediate future.

Inasmuch as the Department's decision in this case correctly and uniformly applies its current regulations and policies the Board is bound to affirm that decision. 3  
V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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